

### **REMARKS**

Claims 1-28 are pending in this application. Favorable reconsideration of the application in light of the foregoing amendments and following comments is respectfully solicited.

In section 2 of the Office Action, claims 1-28 were rejected on the ground of nonstatutory obviousness-type double patenting over claims 1-10 of U.S. Patent No. 7,430,655 in view of claims 1-68 of U.S. Patent No. 7,516,308 and over claims 1-68 of U.S. Patent No. 7,516,308 in view of claims 1-10 of U.S. Patent No. 7,430,655.

Accompanying this Amendment are terminal disclaimers by which the Assignee has surrendered the terminal portion of the statutory term of any patent granted on this application which would extend beyond the expiration date of the full statutory term of either U.S. Patent No. 7,430,655 or U.S. Patent No. 7,516,308. Thus, the terminal disclaimer overcomes the obviousness-type double patenting rejection. *See* Office Action, page 2, line 16 to page 3, line 3. Accordingly, Applicants respectfully request withdrawal of the rejection.

In view of the foregoing, Applicants submit that all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at telephone number indicated below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in dark ink, appearing to read "Eric M. Shelton", written in a cursive style.

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